

REMARKS

The present Amendment is in response to the Office Action dated December 22, 2003 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by March 22, 2004. In that Office Action, claims 1-45 were pending. Applicant notes with appreciation the Examiner's allowance of claims 1-37.

Of the remaining claims, claim 43 was rejected under 35 U.S.C. §112, second paragraph, with the Examiner indicating that the limitation "the bore" and "said stanchion" lacked antecedent basis. More substantively, claims 38-43 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,870,806 to Black. Claims 44-45 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,385,429 to Underwood.

As to claim 43, Applicant agrees that "the bore" lacked antecedent basis, so that correction has been made. However, Applicant believes that "said stanchion" did have a proper antecedent basis since claim 43 formerly recited "an annular stanchion". However, to avoid any possible issue, Applicant has inserted the word "annular" in front of "stanchion". In addition, in reviewing the claims, Applicant noted that claim 42 recited "said central region" instead of "said central panel portion". Correction to this minor technical matter has made by this amendment. This is believed to resolve all issues under 35 U.S.C. §112.

Turning to independent claim 38, Applicant has added a recitation that there is mounting means for securing the resilient element to chuck. Further, the head structure is on one side of the central panel portion whereas the

mounting means is on a side of the margin portion that is opposite the one side of the central panel portion. This structure is believed to fully distinguish claim 38 over the Black reference. Indeed, the patent to Black is not directed to a resilient element that is adapted to mount on a chuck assembly. Accordingly, it would have no means for mounting to a chuck assembly. Rather, Black is directed to a bistable member for ejecting a snap fastener and spring latch assemblies. Accordingly, it is not believed to be analogous art once an anticipation rejection is removed. Accordingly, Applicant believes that, with the amendment to claim 38, claims 38-43 are allowable.

Turning to independent claim 44, the method claim, Applicant strongly disagrees with the Examiner's reading of the Underwood reference as it applies to this claim. For example, in the first methodology step set forth paragraph (a), for example, recitation is made to that the method includes securing a resilient element in a fixed relation relative to the chuck element in a manner such that a central portion of the resilient element will be contacted by and deflected by said workpiece...". In Figure 1 of Underwood, the resilient element which acts, in traditional manner, to eject a workpiece, is spring 10 and possibly spring 13. These springs act through the traditional plunger, knock-out rod and a knock out head.

If springs 10 and 13 are deemed to be the resilient element, then the resilient element is in a fixed relation relative to the chuck assembly. However, if either of these springs is the resilient element, such resilient element does not contact the workpiece and become deflected thereby. The knock out head 14 actually comes in contact with the workpiece. Head 14,

though, is not resilient and is not deflected by the workpiece. Rather, its action operates, for example, on spring 10.

While the Examiner has broadly read elements 6, 10, 11, 12 and 13 of Figure 1 of Underwood as the “resilient element”, Applicant believes that such reading is incorrect since these elements shows a combination structure that is not a resilient element in of itself. Even if the Examiner’s position is adopted, *arguendo*, the recitations contained in paragraphs (a) and (b) are not met since advancement of the workpiece does not deflect a central portion of the resilient element and wherein further advancement compresses a margin portion of the resilient element.

Accordingly, Underwood simply does not disclose the methodology described in independent claim 44 so that no amendment is made. Indeed, neither Underwood nor any of the prior art of record, taken alone or in combination, fully and fairly disclose the methodology, for example, as set forth in paragraphs (a) and (b) of independent claim 44. Accordingly, this claim as well as claim 45 should be allowed. This Examiner is respectfully requested to reconsider his position in this regard.

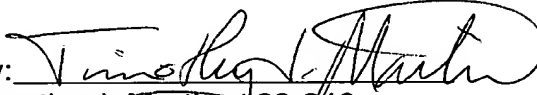
No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this

application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.


Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **AMENDMENT (16 pages)**, and is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of March, 2004.


Christy L. Burbank